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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

ADEDOTON O. EDUN,

Defendant and Appellant.

2d Crim. No. B207050
(Super. Ct. No. A796703)
(Los Angeles County)

Adedoton O. Edun appeals the denial of his motion to vacate his 1987 pleas and conviction pursuant to Penal Code section 1016.5, subdivision (b).¹ The motion alleged that the trial court failed to advise him of the immigration consequences of his pleas, which were now the basis of deportation proceedings against him. The court denied the motion, and Edun timely appealed.

In 1984, Edun signed a California driver's license application under penalty of perjury claiming that he had never previously applied for a license. In fact, Edun had previously been issued a license under a different name. He also obtained a Bank of America Visa card in his own name using false information. In 1987, he pled no contest to perjury and grand theft (§§ 118, 487) and was sentenced to one year in county jail.

¹ All further statutory references are to the Penal Code.

Prior to entering the plea, Edun was told by the prosecutor that "[i]f you are not a citizen of the United States, a plea to the charges today could affect your ability to remain in the United States, cause you to be deported and forbidden reentry into the United States, and I'm sure that's what's going to happen to you."

On October 17, 2007, Edun moved to vacate his 1987 pleas and conviction pursuant to section 1016.5, subdivision (b). Edun claimed that his trial attorney had assured him that his pleas could not result in his deportation. According to Edun, he never would have entered the plea had he known the immigration consequences. Instead, he would have either sought a more favorable disposition or maintained his innocence and pled not guilty. In opposing the motion, the People argued that Edun became fully aware of the immigration consequences of his plea no later than 1989, when he was given advisements pursuant to another no contest plea to perjury.

At the conclusion of the hearing, the court found "there are due diligence problems in pursuing this once Mr. Edun became aware that there was [*sic*] problems with naturalization and then he waited 18 years after that to come before the court to seek redress on this." The court further found that Edun had failed to show a reasonable probability that he would not have pleaded guilty or nolo contendere had he been properly advised. (See *People v. Superior Court (Zamudio)* (2000) 23 Cal.4th 183, 210.) Accordingly, the motion was denied.

We appointed counsel to represent Edun in this appeal. After counsel's examination of the record, she filed an opening brief raising no issues.

On October 21, 2008, we advised Edun that he had 30 days in which to personally submit any contentions that he wished to raise on appeal. He did not respond.

We have reviewed the entire record and are satisfied that Edun's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.
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PERREN, J.

We concur:

GILBERT, P.J.

COFFEE, J.

Charlaine F. Olmeda, Judge
Superior Court County of Los Angeles

Melanie K. Dorian, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.